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June 7, 2020

Via email: dunn.alexandra@epa.gov

Alexandra Dapolito Dunn, Esq.
Assistant Administrator
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
Washington, DC 20250

Re: 9th Circuit Court Decision on Dicamba in *NATIONAL FAMILY FARM COALITION; et al., Petitioners v. U.S. ENVIRONMENTAL PROTECTION AGENCY and ANDREW WHEELER*

Dear Ms. Dunn:

The Ninth Circuit Court of Appeals' decision on dicamba announced June 3, 2020 is devastating to our nation's farmers and seeks to undermine the science-based regulatory system for pesticides established under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).

U.S. cotton farmers, preliminary analysis estimates that the direct loss in value of production totals approximately \$400 million. The direct economic impact is based on USDA's current 2020 planted area estimate of 13.475 million acres of upland cotton. The analysis removes 590,000 cotton acres planted in Arkansas since the court decision came after the state-enforced cut-off date for dicamba applications. In addition, 45,000 acres of upland cotton planted in California are also not affected by the decision since there was no approval for use of dicamba in that state.

Of the 12.840 million acres planted in the remaining 15 Cotton Belt states, it is estimated that approximately 75% of those acres are planted to dicamba-tolerant varieties. The 75% adoption rate reflects the recent trends from USDA's Cotton Varieties Planted report. Of the 9.630 million acres of dicamba-tolerant varieties, the baseline assumption is that 20% of those acres (or 1.926 million acres) could be susceptible to significant yield losses due to increased weed pressures. Research conducted prior to availability of dicamba-tolerant varieties reported a minimum 50% yield-loss in fields with resistant palmer amaranth (pigweed). Using a U.S. average yield of 730 pounds per planted acre, the yield decline on the impacted acres is 365 pounds, which translates into \$208 of lost revenue based on USDA's projected cotton price of \$0.57 per pound. That lost revenue on the impacted acres totals \$401 million.

Given the prevalence of RoundUp (glyphosate)-resistant pigweed, it is important to understand the risks to U.S. cotton production. If as many of 40% of the dicamba tolerant acres suffer a 50% yield loss, the lost revenue reaches \$800 million.

In addition to the revenue losses, cotton farmers face the additional costs of switching to another herbicide product. An initial analysis suggests that switching to Liberty (glufosinate) leads to an

increase of \$5.00/acre but without a 100% control of pigweed. Liberty is an alternative but less effective and not as reliable as the labeled dicamba. With cool temperatures at planting in some areas, the product does not provide effective control. Additionally, with larger pigweed plants, the control provided by Liberty decreases and becomes more erratic. Liberty is an important tool but not as the only choice. The continued availability of dicamba is imperative to avoid the loss of Liberty due to resistance development. In addition, it will take multiple applications to achieve good control provided by dicamba. If done by a custom applicator, an initial cost estimate is \$7 to \$10 per acre for the applicator.

RoundUp will be applied as well but that product will not control the RoundUp-resistant pigweed that can be controlled by dicamba. Control of resistant pigweed in some areas may have to be done manually at this stage, adding to the costs. Labor necessary for manual weed control is difficult to find, and even with available labor, effective control requires the chopping of large stalks and hauling the weeds from the field. Costs estimates run from at least \$20 per acre to as much as \$60 per acre if the labor is available.

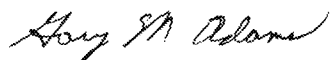
Pigweed that is resistant to RoundUp threatens the ability to farm in regions across the Cotton Belt. The fast growth of the plant, the production of about 700,000 seeds per plant, the height and density of the plants in fields without control, the costs and lack of availability of crews to hoe and remove the plants from fields, combined with the overwhelming seedbank already present would overwhelm the small profit level of production while steadily decreasing yield.

The present state of crop production requires a small window of opportunity for a series of actions that must be completed on a timely basis. Pre-plant burndown, at-planting residuals, and post-planting over-the-top applications are required to achieve effective weed management. The few herbicide Modes of Action (MOA) viable for today's weed management are at risk due to resistance development. The loss of dicamba will result in a loss of herbicide control due to the lack of a MOA that forces overuse of the remaining MOAs.

The economic damage caused by this court decision compounds an already tenuous economic situation for cotton farmers who are already facing depressed market prices due to ongoing trade tensions and the COVID-19 pandemic. Rural economies across the Cotton Belt are reliant on the direct and downstream economic benefits of a healthy cotton economy. This decision jeopardizes the farms and businesses directly involved in the production, distribution and processing of cotton that employ more than 125,000 workers and produce direct business revenue of more than \$21 billion.

Thank you for this opportunity to provide comments supporting this important issue.

Respectfully submitted,



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